

Before the
Federal Communications Commission
Washington, DC

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of

DAVID A. RINGER

ASF BROADCASTING CORP.

WILBURN INDUSTRIES, INC.

) MM Docket No. 93-107

) File No. BPH-911230MA

) File No. BPH-911230MB

) File No. BPH-911230MC

Id. at ¶ 10. In failing to obey this clear directive, ORA Consolidated Reply fails to respond distinctly to any one applicant's factual situation, and thereby clouds the issue to be adjudicated - namely, the existence of "reasonable assurance" of site availability with respect individually by ASF, Ringer, Davis, and Wilburn. As ORA concedes in another context, "all cases are different as to the facts." Consolidated Reply at 3. Some applicants received additional written commitments from the landowner, others apparently did not. Some applicants claim they submitted financial information to the landowner, others did not. Some applicants have toured the facilities and met with the landowner's representatives, others did not. Each of these considerations may result in differing determinations with respect to each applicant. ORA's Consolidated Reply, however, appears to subscribe to the philosophy that "one argument fits all." One argument does not, however, fit all circumstances, and under the Presiding Judge's procedures, should not even have been attempted by ORA.

WHEREFORE, for the reasons stated above, the "Consolidated Replies to Oppositions" filed by Ohio Radio Associates on June 21, 1993 should be stricken.

Respectfully requested,

SHELLEE F. DAVIS

By: 

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June 22, 1993

CERTIFICATE OF SERVICE

I, Dan J. Alpert, hereby certify that foregoing document was served on June 22, 1993 upon the following parties by First Class Mail, postage prepaid:

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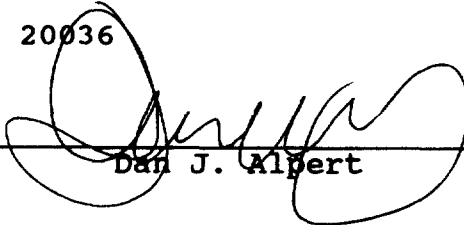
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